

United States District Court

WESTERN DISTRICT OF NEW YORK

Kirkendall et al.,

v.

Halliburton Inc., et al.,

JUDGMENT IN A CIVIL CASE

CASE NUMBER: 07-CV-289-C

☐ **Jury Verdict.** This action came before the Court for a trial by jury. The issues have been tried and the jury has rendered its verdict.

☒ **Decision by Court.** This action came to trial or hearing before the Court. The issues have been tried or heard and a decision has been rendered.

IT IS ORDERED AND ADJUDGED, for the reasons stated in [27] Decision and Order on the docket, granting Defendants' [11] Motion for Judgment on the Pleadings with respect to Count I of the Complaint seeking declaratory judgment, and Count II seeking relief pursuant to ERISA sections 204 and 208. Defendants' Motion is converted to a summary judgment motion with respect to Counts III and IV, and that Motion is granted for failure to exhaust the administrative claims procedures established by the relevant Plan.

Plaintiffs' Complaint is dismissed in its entirety and with prejudice. The parties' joint [25] Motion for a status conference is denied as moot. Judgment is entered in favor of Defendants and this case is closed

Date: June 10, 2011

MICHAEL J. ROEMER,
CLERK OF COURT
UNITED STATES DISTRICT COURT

By: s/Denise Collier
Deputy Clerk